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A N
A C T

For taking away the Court of

325

Wards & Liveries,

And

TENURES in CAPITE,

And by

Knights Service.



DUBLIN,

Printed by *John Crooke*, Printer to the Kings
most Excellent MAJESTY, and are to be

Sold by *Sam. Dancer*. 1662.

332



A N

A C T

For taking away the Court of W A R D S
and L I V E R I E S , and T E N U R E S
in C A P I T E , and by K N I G H T S
S E R V I C E .



WH E R E A S it
hath been found
by former Expe-
rience, That the
Court of Wards
and Liveries, and
Tenures by K^{ts}.
Service, either of
the King or other-
wise, or by K^{ts}.
Service in Capi-
te, or Socage in
Capite of the King,
and the Consequence of the same been much
more burthensome, grievous and prejudicial
to this Kingdome, than they have been bene-
ficial

ficial to the King; Be it therefore Enacted by the King our Sovereign Lord, with the Assent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, And it is hereby Enacted, That the Court of Wards and Liveries, and all Wardships, Liveries, Primer-seizings, and Dusterlemains, Alia-lues and Forfeitures of Marriage by reason of any Tenures of the Kings Majesty, or of any other by Knights Service, and all mean Rates, and all other Gifts, Grants, Charges, incident or arising for, or by reason of Wardships, Liveries, Primer-Seizings, or Dusterlemains, be taken away and discharged, and are hereby Enacted to be taken away and discharged from the Thre and Twentieth day of October, One thousand six hundred Forty one: Any Law, Statute, Custome or Usage to the contrary hereof in any wise notwithstanding.

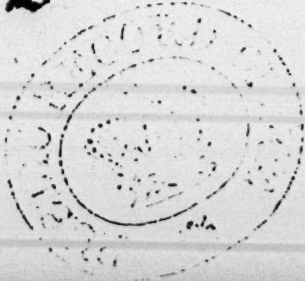
And that all Fines for Alienation, Seizures, and pardons for Alienation, Tenures by Homage, and all charges incident or arising for, or by reason of Wardship, Liberty, Primer-Seizin, or Dusterlemain, or Tenure by Knights Service, Escuage, and also Ayde, Purfile, Marrier, and Purfair-fits, Chivalier, and all other charges incident thereunto be likewise taken away, and discharged from the said Thre and twentieth day of October, one Thousand six hundred Forty one: Any Law, Statute, Custome or Usage to the contrary hereof any wise notwithstanding.

And

And that all Tenures by Knights Service of the King, or of any other person, and by Knights service in Capite, and by Socage in Capite of the King, and the Fruits, and consequence thereof happened, or which shall or may happen or arise thereupon, or thereby be taken away or discharged: Any Law, Statute, Custome or Usage to the contrary hereof any wise notwithstanding. 327

And all Tenures of any Honours, Manors, Lands, Tenements, or Hereditaments, or any Estate of Inheritance at the common Law, held either of the King, or of any other person or persons, Bodies politick or Corporate, are hereby Enacted to be turned into free and common socage to all intents and purposes from the three and twentieth day of October, One thousand six hundred forty one, and shall be so construed and adjudged, and deemed to be from the said three and twentieth day of October, One thousand six hundred forty one, and for ever hereafter turned into free and common Socage: Any Law, Statute, Custome or Usage to the contrary hereof any wise notwithstanding.

And that the same shall for ever hereafter stand and be discharged of all Tenure by Homage, Escuage, Voyages Royal, and charges for the same Wardships incident to Tenure by Knights Service and Values, and Forfeitures of Marriage, and all other charges incident to Tenures by Knights service, and of and from Ayd, Purfile,ARRIER, and Ayde Purfeir fits, Chivalier: Any Law, Statute, Usage



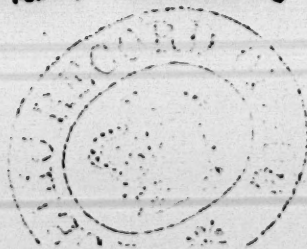
allage or Custome to the contrary in any wise notwithstanding.

13/4 And be it further Enacted by the Authority aforesaid, That where any person or persons hath, or shall have any Childe or Childzen under the age of twenty one years, and not married at the time of his death, That it shall and may be Lawful to, and for the Father of such Childe or Childzen, whether bozn at the time of the decease of the Father, or at that time in ventre sa meere, or whether such Father be within the Age of One and twenty years, or of full Age by his Deed executed in his Lifetime, or by his last Will and Testament in Writing in the presence of two, or more credible Witnesses in such manner, and from time to time as he shall respectibely think fit to dispose of the custody and tuition of such Childe or Childzen, for and during such time as he or they shall respectibely remain under the Age of twenty one years, or any lesser time to any person or persons in possession or remainder, other than persons not of the Communion of the Church of England as aforesaid: And that such disposition of the custody of such Childe or Childzen, made since the three and twentieth day of October, One thousand six hundred forty one, or hereafter to be made, shall be good and effectual against all and every person and persons claiming the custody and tuition of such Childe or Childzen as Guardian in socage, or otherwise, and that such person or persons to whom the custody of such Childe or Childzen hath been, or shall be so disposed or devised

vised as aforesaid, shall and may maintain an
Action of Ravishment of Ward or Trespass
against any person or persons which shall
wrongfully take away or detain such Childe
for the recovery of such Childe or Children, and
shall and may recover Damages for the same
in the said Action, for the use and benefit of such
childe or children. 328

And be it further Enacted, That such per-
son or persons to whom the custody of such
childe or children hath been, or shall be so dis-
posed or devised, shall and may take into his
or their custody to the use of such childe or chil-
dren the profits of all Lands, Tenements and
Hereditaments of such childe or children; and
also the custody, tuition and management of
the Goods, Chattles, and personal of such
childe or children till their respective Age of
twenty one years, or any lesser time, accord-
ing to such disposition aforesaid, and may bring
such Action or Actions in relation thereunto,
as by Law a Guardian in socage might
do.

And be it further Enacted by the Authority
aforesaid, That all tenures hereafter to be
created by the Kings Majesty, his Heirs
or Successors, upon any Gifts or Grants of
any Mannors, Lands, Tenements or He-
reditaments of any Estate of Inheritance at
the common Law, shall be and be adjudged
to be in free and common socage onely, and
not by Knights service or in Capite, and shall
be discharged of all Wardships, Ulucage and
Forfeiture of Marriage, Livery, Primer
seizin,



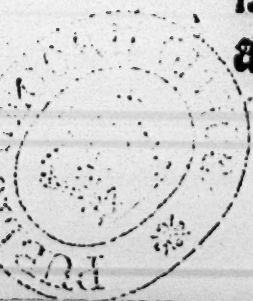
Seizin, Outsterlemain, Wyde Purfair-fits,
Chivalier, Wyde Purfit, Warrier, &c. Any
Law, Statute or Reservation to the contra-
ry thereof any wise notwithstanding.
Provided nevertheless, and be it Enacted,
That this Act, or any thing herein contained,
shall not take away, or be construed to take a-
way, any Rents, certain heriots or suits of
Court belonging or incident to any former Te-
nure now taken away or altered by virtue of
this Act, or other service incident or belonging
to Tenure in common Socage due, or to grove
to the Kings Majesty, or mean Lords, or other
private person, or the Fealty, and Distresses
incident thereunto; and that such Relief shall
be paid in respect of such Rents, as is paid in
case of a Death of a Tenant in common Soc-
age.
Provided also, and be it Enacted, That a-
ny thing herein contained shall not take away,
nor be construed to take away, any Fines or A-
lienation due by particular customs of parti-
cular Mannors and places, other than Fines
for Alienations of Lands or Tenements hol-
den immediately of the King in Capite or
Knights service.
Provided also, and be it further Enacted,
That this Act, or any thing herein contained,
shall not take away, or be construed to take
away, Tenures in Frank-Almoine, nor to
subject them to any greater or other Services
than they now are, nor to alter or change any
Tenure by copy of Court Roll, or any
Services incident thereunto, nor to take away
the

the Honozary services of Grand Serjeanty o-
ther than of Wardship, Marriage, and Value of
Forfeiture of Marriage, Escuages, Voyages
Royal, or other charge incident to Tenure by
Knights Service, and other than Ayde, Pur-
fairfitts Chivalire and Ayde purfit Mar-
rier.

Provided also, That this Act, or any
thing therein contained, shall not extend to
discharge any Appzentice of his Appzenti-
ship.

Provided also, That neither this Act, nor a-
ny thing therein contained, shall infringe
or hurt any Title of Honour, Feodal, or
other, by which any person hath or may
have right to sit in the Lords House of Par-
liament as to his or to their Title of Ho-
nour or sitting in Parliament, and the pri-
viledges belonging to them as Peers: This
Act, or any thing therein contained to the con-
trary any wise notwithstanding.

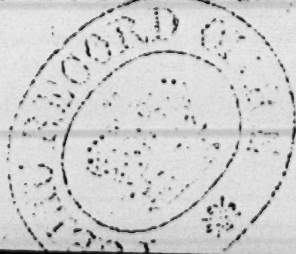
Provided also, and it is hereby further Enac-
ted, For the better Educating and Bringing up
of the Heirs of such persons in this Realm,
who having not been of the Communion of the
Church of England are dead, or hereafter
shall die, their said Heirs being under Age
that where any person not being of the Com-
munion of the Church of England, Th
is to say, Frequenting Divine Service, &
not receivng the Sacraments according
the Form prescribed by the Church of Eng-
land as aforesaid, is or shall be dead seized of
an Estate in any Lands, Tenements or He-
redi-



Hereditaments, for which his Heir or Heirs should have been in Ward if this Act had not been made, his Heir or Heirs being under the Age of twenty one years at the time of the passing of this Act, and also whensoever any person not being of the Communion of the Church of England, as aforesaid, shall hereafter happen to die seized of such Estate in any Lands, Tenements or Hereditaments, for which his Heir or Heirs should have been in Ward if this Act had not been made, his Heir or Heirs being under the age of twenty one years at the time of the death of such Ancestor, that in such case it shall and may be Lawful to and for the Lord Chancellor of IRELAND for the time being, the two Chief Justices of either Bench in this Realm and chief Baron of His Majesties Exchequer of this Realm for the time being, the Master of the Rolls and Chancellor of His Majesties Exchequer for the time being, or any three or more of them, after Inquisition duly found and returned into the Chancery of this Kingdome, of the Death of such person or persons not of the communion of the Church of ENGLAND as aforesaid, and of his Heir or Heirs being so under Age in such manner as they shall think fit from time to time to dispose of the custody and tuition of such Heir and Heirs for and during such time as he or they shall respectively remain under the age of twenty one years, or any lesser time to any person or persons next of Kin to the Heir, and to whom the Estate cannot by

by Law descend, such person being of the Communion of the Church of England. 330/39

And to the intent and purpose that such heir and heirs may be Educated and Brought up in the Protestant Religion, and Estates preserved such person or persons to whom the tuition and custody of such heir and heirs shall be committed, shall first enter into Recognizance to the use of the said heir, with good Sureties before the said Lord Chancellor, the said two Chief Justices, Chief Baron, Master of the Rolls and Chancelor of the Exchequer, or any three or more of them as aforesaid, which Recognizance they are hereby authorized to take accordingly, with condition for the Educating and Bringing up of the said heir and heirs in the Protestant Religion, according to the Communion of the Church of England; and for the management and disposal of the Estates of such heir and heirs to his and their use and best advantage, and for the rendering a just accompt of the profits of such Estates to such heir and heirs when he or they shall come to full Age, and for the not committing any waste thereupon, and that such disposition so to be made of the custody of such heir or heirs, shall be good and effectual against all and every person and persons claiming the custody or tuition of such heir or heirs as Guardian in Socage, or otherwise: And that such persons to whom the custody of such heir or heirs shall be disposed aforesaid, shall and may maintain an Action of Ravishment of Ward or Trespass against any



(12)
Any person or persons which shall wrongfully take away or detain such heir or heirs for the recovery of such heir or heirs, and shall and may recover Damages for the same in the said Action for the use and benefit of such benefit of such heir or heirs.

And be it further Enacted, That such person or persons to whom the custody of such heir or heirs shall be so disposed, shall and may take into his or their custody to the use of such heir or heirs the profits of all such Lands, Tenements and Hereditaments of such heir and heirs, and also the custody, tuition and management of the Goods, Chattles, and personal Estate of such heir and heirs till the respective Age of one & twenty years, or any lesser time, according to such disposition aforesaid, and may bring such Action or Actions in relation thereunto, as by Law a Guardian in common Socage might do.

Also, It is hereby Enacted and Declared by the Authority aforesaid, That if such person or persons to whom such Grant or Grants shall be made of the custody of such childe or children shall die before he hath yielded an account unto the said heir or heirs of the full profits of such Lands, Tenements and Hereditaments, defalking all necessary and just charges that then the Heirs, Executors or Administrators of such Guardian shall be liable and yield a full account unto the said heir, his Executors and Administrators, of all such Profits, Goods and Chattles real and personal so received by the said Guardian for



for the benefit and advantage of the said heirs, defaulting all necessary and just charges as aforesaid, so far as they shall have Assets to them descended and came from the said Guardian, or in his right at the time of demand of satisfaction for the same, and if the said child or children shall die before he or they shall attain to his or their Age of twenty one years as aforesaid, that then it shall and may be lawful to and for the Executors or Administrators of such child or children to call the person and persons so trusted for the benefit of him or them, and his or their heirs, Executors or Administrators to an account for the same, and to receive such benefit thereby, as the Executors or defunct might have done.

And be it further Enacted by the Authority aforesaid, That the sum of Ten thousand pounds be raised out of the several Counties, Cities, Towns and Corporations of this Kingdome before the three and twentieth day of October, in the year One thousand six hundred sixty two, according to such proportion and in such way, and by such means as the Lord Lieutenant, Lords Justices, or other Chief Governour or Governours of this Kingdome, and Six or more of his Majesties Privy Council of this Kingdome shall see fit to do, and appoint, which by this Act they are Authorized to do, which said sum of Ten thousand pounds so as aforesaid to be raised shall be paid, divided and distributed unto Colonel Thomas Pigott his Majesties present Master of his Court of Wards in this Kingdome,

come, and to and amongst the rest of the Officers of that Court Judicial and Ministerial in such manner, and according to such proportions as the Lord Lieutenant, or other Chief Governour or Governours of Ireland for the time being, or any Six or more of his Majesties Privy-council of Ireland for the time being shall think fit, and shall be unto them as a full Recompense and compensation for their several and respective Offices they now hold in the said Court.

Provided also, That nothing in this Act contained shall extend to Intitle any person the Tenure of whose Lands by this Act are altered, to demand of the Kings Majesty any satisfaction for the Rents, Issues or Profits of his Lands, or the value of his Marriage which hath been already received by or answered unto the Kings Majesty or his Royal Father, nor to make any person or persons to whom any Wardships or Custodies of Bodies or Lands have been given, granted or disposed, or the Executors or Administrators of any such person or persons lyable to any account, or any other Suit or Process for, touching or concerning the value of any Marriage, or the profits of any Lands by them received or heretofore, or in any other manner than they ought to have been before the making of this Act: Any thing herein before contained to the contrary notwithstanding.

Provided also, That no last Will or Testament whereby any Lands or Tenements have before the making of this Act, being given or

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devised shall be of any greater or other force, or effect than the same would have been if this Act had not been made: Any thing before contained to the contrary notwithstanding,

Provided alwayes, and be it further Enacted, That neither this Act, nor any thing therein contained, shall extend any benefit, advantage or favour unto Sir Arthur Chichester Knight, and Dame Jane Chichester, alias Itchingham his Wife, or either of them, until that they have made such agreement with and given such satisfaction to Robert Boyle Esq; for the value of the Marriage of the said Jane Itchingham, as also for the past profits of the said Estate, as the Lord Lieutenant or other Chief Governour or Governours of Ireland for the time being shall think fit to determine; and that no Matter, Sentence, Clause, or Thing in this Act contained, shall prejudice the Right Title, or Interest, of the said Robert Boyle unto the Wardship of the Body or Lands of the said Dame Jane Chichester, alias Itchingham, value of Marriage or mean profits of the said Estate or Arrears of the same, but that the same shall remain to all intents and purposes as if this Act had never been made.

Provided alwayes, and be it further Enacted, That neither this Act nor any thing therein contained, shall extend to give any benefit advantage or favour to Sir Richard Parson Baronet, Son and Heir to Sir William Parson late of Beallamount in the County of Dublin, deceased, until he hath made such agreement with, and given such satisfaction to Daniel

Michael O'Neal Esq; one of the Grooms of his
Majesties Bed-chamber, for the value of the
Marriage and mean Profits of the Estate of
the said Sir Richard Parsons; as the Lord Lieu-
tenant or other Chief Governour of Ireland for
the time being shall think fit.

And it is hereby further Enacted, That the Wardship of the Body and Lands of the said Sir Richard Parsons, and also the mean profits of the Estate of the said Sir Richard Parsons, together with the value of the Marriage of the said Sir Richard Parsons, which were granted, or intended to be granted to the said Daniel o Neal by His Majesties Letters Patents under the Great Seal of England, bearing date the First day of December in the Twelfth year of His Majesties Reign, shall be and are hereby given, granted, and confirmed unto the said Daniel o Neal subject nevertheless to such agreement and satisfaction as aforesaid: Any thing herein before contained to the contrary notwithstanding.

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